

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA

v.

Criminal Action No. 3:05CR11

MICHAEL WALLACE RICE

MEMORANDUM OPINION

By Memorandum Opinion and Order entered on October 27, 2009, the Court denied a 28 U.S.C. § 2255 motion filed by Michael Wallace Rice. (ECF Nos. 148, 149.) On February 6, 2017, the Court received another 28 U.S.C. § 2255 motion from Rice (ECF No. 180).

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a "gatekeeping mechanism." Felker v. Turpin, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." 28 U.S.C. § 2244(b)(3)(A). The Court has not received authorization to consider Rice's newest § 2255 Motion. Accordingly, the Court will dismiss the § 2255 Motion for lack

of jurisdiction. The Court will deny a certificate of appealability.

An appropriate Final Order will accompany this Memorandum Opinion.

/s/ *REP*

Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: *February 15, 2017*